

23. The method of claim 22, wherein said consumer identifier information is stored as a cookie on a computer of the consumer identified by the consumer identifier information.

24. The method of claim 22, wherein said plurality of network sites providing consumer activity information include non-subscriber network sites.

25. The method of claim 22, wherein said distributed communication network comprises the Internet.

REMARKS

Claims 1, 3-15 and 22-25 are now pending in this application. Claims 2 and 16-21 have been cancelled, and new claims 22-25 have been added. Claim 1 has been amended to improve its form. Reconsideration of this application is requested.

35 U.S.C. § 112 Rejection

The rejection of claims 16-21 under the second paragraph of 35 U.S.C. § 112 is moot in view of the cancellation of those claims in favor of new claims 22-25.

Withdrawal of this ground of rejection is requested.

35 U.S.C. § 102 Rejection

The rejection of claims 1, 5-7, 10-12, 15-18 and 21 as being anticipated by Gardenswartz et al., U.S. Patent No. 6,055,573, is respectfully traversed. The present invention as claimed is directed to apparatus and method for providing promotions of goods and/or services to consumers accessing particular network sites of a distributed communication network tailored to the personal preferences of the consumer based on the consumer's past on-line activity as reported by various different network sites.

According to the invention as disclosed and claimed, consumers are identified using cookies, and the consumer identification information is sent to an electronic commerce apparatus and stored. As consumers surf the web, participating network sites report consumer activity regarding the identification of pages accessed, products reviewed, products purchased, etc. together with consumer identification information, to the electronic commerce apparatus. Subscribing network sites (i.e. those sites for which tailored promotions are created and transmitted) send to the apparatus consumer

identifier information of consumers requesting network site access. The apparatus then creates a tailored promotion by retrieving consumer activity information associated with the transmitted consumer identifier information and selecting a promotion from a promotions database in accordance with the retrieved activity information.

In contrast, Gardenswartz discloses a system wherein consumers' offline purchase histories are sent to a database by individual retail locations, and are used to send a targeted advertisement to a consumer's computer. In order for the Gardenswartz system to function, consumers must register with the system and obtain a customer ID (CID) such as a barcode that can be scanned when a consumer makes an offline purchase at a participating retail location (see stores 2, 4, 6, Fig. 1). Purchase information is sent to the database 8 by the retail locations and is associated with CID information.

A consumer registers with the system online using her computer, such that a cookie is placed on the consumer's computer associating the computer with the assigned CID. Thus, when the consumer accesses a web site served by a participating advertiser's server, the web site sends the cookie information received from the consumer's computer to the advertiser server. The advertiser server then associates the cookie with a stored CID and sends a targeted advertisement to the web site in accordance with the offline purchase activity stored in the database.

Gardenswartz fails to disclose a method for providing tailored promotions to a consumer wherein consumer identifier information is associated with consumer activity regarding network site activity, e.g., web site access and web page viewing. Because the consumer activity information relates to network (i.e. online) activity, consumers do not need to actively register with the system in order for the system to work. Instead, the system automatically receives and compiles consumer information from passive consumer activity on the network, such as common web-surfing. The present invention further provides tailored promotions to different participating subscriber web sites based on a database of promotions associated with goods and/or services of the subscribing web sites. In contrast, the Gardenswartz system merely sends to a consumer an advertisement targeted to the consumer based on purchase history. There is no

specific association of promotions of a subscriber network site to a consumer accessing the network site.

35 U.S.C. § 103 Rejections

None of the Roth et al., Travis et al., or San Jose Mercury News references cures the basic deficiency of Gardenswartz with respect to the independent claims pending in this application. Accordingly, no combination of those references with Gardenswartz can render the claimed invention obvious under § 103 of the patent statutes.

Conclusion

In view of the foregoing, favorable reconsideration of this application, withdrawal of the outstanding grounds of rejection, and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 02-2135.

RESPECTFULLY SUBMITTED,					
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Attachments: Marked-Up Copies of Amendments

MARKED-UP COPY OF AMENDMENTS SHOWING CHANGES MADE

1. (Amended) A computer-implemented electronic commerce apparatus for generating a tailored promotion of goods and/or services based on personal consumer preferences to a consumer over a distributed communication network, comprising:

a connection to said distributed communication network; [and]

a database of goods and/or service promotions;

a consumer information storage, said consumer information storage including a consumer identifier storage for storing consumer identifier information identifying individual consumers, [at least one network site identifier for identifying a commercial site on said network,] and including for each [network site] stored consumer identifier activity information pertaining to network sites accessed by said individual consumers and associated with individual consumers;

wherein said electronic commerce apparatus receives said activity information, stores said activity information in said consumer information storage by individual consumer, [and] receives from a particular network site consumer identifier information associated with a consumer requesting access to that network site, uses said activity information in conjunction with said database to create a tailored promotion in response to said received consumer identifier information, and [to present] transmits said tailored promotion to said [consumer at a] particular network site [upon] for presentation to said consumer[’s visit to a said network site].